

R277. Education, Administration.

[R277-444. Distribution of Funds to Arts and Science Organizations.

R277-444-1. Definitions.

~~_____ A. "Arts organization (organization)" means a non-profit professional artistic organization that provides artistic (dance, music, drama, art) services, performances or instruction to the Utah community.~~

~~_____ B. "Arts and science subsidy program" means groups that have participated in the RFP program and have been determined by the Board to be providing valuable services in the schools. They do not qualify as professional outreach programs.~~

~~_____ C. "Board" means the Utah State Board of Education.~~

~~_____ D. "Cost effectiveness" means maximization of the educational potential of the resources available through the professional organization, not using POPS funding for costs that would be expended necessarily for the maintenance and operation of the organization.~~

~~_____ E. "Educational soundness" means that learning activities or programs:~~

~~_____ (1) are designed for the community and grade level being served, including suggested preparatory activities and Core-relevant follow-up activities;~~

~~_____ (2) feature literal interaction of students and teachers with professional artists and scientists;~~

~~_____ (3) focus on those specific Life Skills and Arts or Science Core Curricula concepts and skills; and~~

~~_____ (4) show continuous improvement of services guided by analysis of evaluative tools.~~

~~_____ F. "Hands-on activities" means activities that include active involvement of students with presenters, ideally with materials provided by the organization.~~

~~_____ G. "Non-profit organization" means an organization no part of the income of which, is distributable to its members, directors or officers; a corporation organized for other than profit-making purposes.~~

~~_____ H. "Professional excellence" means the organization:~~

~~_____ (1) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;~~

~~_____ (2) has received recognitions of excellence through an award, a prize, a grant, a commission, an invitation to participate in a recognized series of presentations in a well-known venue; and~~

~~_____ (3) includes a recognized and qualified professional in the appropriate field who has created an artistic or scientific project or composition specifically for the organization to present; or~~

~~_____ (4) any combination of criteria.~~

~~_____ I. "Professional outreach programs (POPS) in the schools" means those established arts and science organizations which received line item funding directly from the Utah State Legislature prior to 2004. These organizations have demonstrated the capacity to mobilize programmatic resources and focus them systematically in improving teaching and learning in schools statewide.~~

~~_____ G. "Request for proposal (RFP)" means a competitive application process used to identify programs that best meet requirements established by the Board.~~

~~_____ H. "RFP program" means arts and science organizations that receive one-~~

time funding through application to the USOE.

~~I. "School visits" means performances, lecture demonstrations/presentations, in-depth instructional workshops, residencies, side-by-side mentoring, and exhibit tours by professional arts and science groups in the community.~~

~~J. "Science organization (organization)" means a non-profit professional science organization that provides science-related services, performances or instruction to the Utah community.~~

~~K. "State Core Curriculum" means those standards of learning that are essential for all Utah students, as well as the ideas, concepts, and skills that provide a foundation on which subsequent learning may be built, as established by the Board.~~

~~L. "USOE" means the Utah State Office of Education.~~

~~R277-444-2. Authority and Purpose.~~

~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.~~

~~B. The purpose of the arts and science program is to provide opportunities for students to develop and use the knowledge, skills, and appreciation defined in the arts and science Core curricula through in-depth school instructional services, performances or presentations in school and theatres, or arts or science museum tours.~~

~~C. This rule also provides criteria for the distribution of funds appropriated by the Utah Legislature for this program.~~

~~R277-444-3. Criteria for Eligibility, Applications, and Funding for POPS Organizations.~~

~~A. Established professional outreach program in the schools (POPS) organizations shall be eligible for funding under the POPS program applications and funding criteria and not eligible to apply for the RFP or arts and science subsidy programs.~~

~~B. Documentation of an organization's non-profit status, shall be provided in the annual evaluation report described in R277-444-6.~~

~~C. Every four years, beginning in July 1998, all POPS organizations shall reapply to the USOE to reestablish their continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~D. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~E. Funds shall be distributed annually beginning in August.~~

~~R277-444-4. Criteria for Eligibility, Applications, and Funding for RFP Organizations.~~

~~A. Non-profit professional arts and science organizations that have existed for at least three years prior to application with a track record of proven fiscal responsibility, of demonstrated excellence in their discipline, and with the ability to share their discipline creatively and effectively in educational settings shall be eligible to apply for RFP funding.~~

~~—— B. Documentation of an organization's non-profit status, professional excellence or educational soundness may be required by the USOE prior to receipt of application from these organizations.~~

~~—— C. RFP organizations that can demonstrate successful participation in the RFP Program for three years, have an education staff, and the capacity to reach out statewide may apply to the Board to become a POPS organization.~~

~~—— D. Organizations funded through an RFP process shall submit annual applications to the USOE. Applications shall be provided by the USOE.~~

~~—— E. The designated USOE specialist(s) shall make final funding recommendations following a review of applications by designated community representatives to the Board by August 31 of the school year in which the money is available.~~

~~—— F. Application for eligible organizations to become a POPS organization is possible every year through the following process:~~

~~—— (1) Organizations submit a letter of intent and a master plan for servicing the schools to the designated USOE specialist(s) by the first day of October to determine eligibility and accordingly respond with an invitation to meet and complete the application and evaluation process required of all established POPS and arts and science subsidy organizations in their re-application procedure every four years.~~

~~—— (2) The completed application, original letter of intent, and recommendations based on the evaluation are submitted to the Board through the designated USOE specialist(s) by June 1.~~

~~—— (3) The Board or designee meets with the designated USOE specialist(s) to determine whether or not to approve the applicant as a candidate to become a POPS organization.~~

~~—— (4) The Board shall request new money for a new POPS organization from the Utah State Legislature if the application is approved, prior to providing funds to the newly approved organization.~~

~~—— (5) The same procedure would be followed for organizations desiring to apply to be arts and science subsidy organizations, and to re-apply to establish their funding level and standing as an arts and science subsidy group.~~

~~—— (6) Arts and science organizations meeting the arts and science subsidy criteria may apply for the arts and science subsidy program, but may not apply for RFP funding.~~

~~—— G. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~—— H. Funds shall be distributed annually beginning in August.~~

~~R277-444-5. Process for Continued Funding of Arts and Science Subsidy Program Organizations.~~

~~—— A. Scientists, artists, or entities hired or sponsored for services in the schools, directly or indirectly through coordinating organizations, shall be subject to the same review and approval for funding process.~~

~~—— B. Every four years, beginning in 2010, all arts and science subsidy program organizations shall reapply to the USOE to reestablish the continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~—— C. When there are changes in the program funding from the Utah State Legislature, annual allocations shall be at the discretion of the Board.~~

~~—— D. Funds shall be distributed annually beginning in August.~~

~~R277-444-6. Criteria for Evaluation and Accountability of Funding.~~

~~—— A. Arts and science organizations qualifying for POPS or RFP funding may not charge schools for services funded under those programs.~~

~~—— B. Organizations may be visited by USOE staff prior to funding or at school presentations during the funding cycle to evaluate the effectiveness and preparation of the organization.~~

~~—— C. Organizations that receive arts and science funding shall submit annual evaluation reports to the USOE by July 1.~~

~~—— D. The year-end report shall include:~~

~~—— (1) a budget expenditure report and income source report using a form provided by the USOE, including a report and accounting of fees charged, if any, to recipient schools, districts, or organizations; and~~

~~—— (2) record of the dates and places of all services rendered, the number of instruction and performance hours per district, school, and classroom service, as applicable, with the number of students and teachers served, including:~~

~~—— (a) documentation that all school districts and schools have been offered opportunities for participation with all organizations over a three year period consistent with the arts and science organizations' plans and to the extent possible; and~~

~~—— (b) documentation of collaboration with the USOE and school communities in planning visit preparation/follow up and content that focuses on the state Core curriculum; and~~

~~—— (c) arts or science and their contribution(s) to students' development of life skills; and~~

~~—— (3) a brief description of services provided by the organizations through the fine arts and science POPS, RFP, or arts and science subsidy programs, and if requested, copies of any and all materials developed; and~~

~~—— (4) a summary of organization's evaluation of:~~

~~—— (a) cost-effectiveness;~~

~~—— (b) procedural efficiency;~~

~~—— (c) collaborative practices;~~

~~—— (d) educational soundness;~~

~~—— (e) professional excellence; and~~

~~—— (f) the resultant goals, plans, or both, for continued evaluation and improvement.~~

~~—— E. The USOE may require additional evaluation or audit procedures from organizations to demonstrate use of funds consistent with the law and this rule.~~

~~—— F. Funding and levels of funding to POPS, RFP, and arts and science subsidy programs are continued at the discretion of the Board based on review of information collected in year-end reports.~~

~~R277-444-7. Variations or Waivers.~~

~~—— A. No deviations from the approved and funded arts or science proposals shall be permitted without prior approval from the designated USOE specialist(s) or designee.~~

~~—— B. The USOE may require requests for variations to be submitted in writing.~~

~~_____ C. The nature and justification for any deviation or variation from the approved proposal shall be reported in the year-end report.~~

~~_____ D. Any variation shall be consistent with law and the purposes of this rule.]~~

R277-444. Distribution of Money to Arts and Science Organizations.

R277-444-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system with the Board;

(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53A-1-402, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.

(2) The purpose of this rule is to provide for the distribution of money appropriated by the state to an arts or science organization that:

(a) provides an educational service to a student or teacher; and

(b) facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard.

R277-444-2. Definitions.

(1) "Arts organization" means a professional artistic organization that provides an educational service related to dance, music, drama, art, visual art, or media art in the state.

(2) "Community" means the group of persons that have an interest or involvement in the education of a person in kindergarten through grade 12, including:

(a) a student, parent, teacher, and administrator; and

(b) an association or council that represents a person described in Subsection

(2)(a).

(3) "Core standard" means a standard:

(a) established by the Board in Rule R277-700 as required by Section 53A-1-402; and

(b) that defines the knowledge and skills a student should have in kindergarten through grade 12 to enable a student to be prepared for college or workforce training.

(4) "Cost effectiveness" means:

(a) maximization of the educational potential of the resources available through the organization; and

(b) not using money received through a program for the necessary maintenance and operational costs of the organization.

(5) "Educational service" means an in-depth instructional workshop, demonstration, presentation, performance, residency, tour, exhibit, teacher professional development, side-by-side mentoring, or hands-on activity that:

(a) relates to an arts or science core standard; and

(b) takes place in a public school, charter school, professional venue, or a facility.

(6) "Educational soundness" means an educational service that:

(a) is designed for the community and grade level being served, including a suggested preparatory activity and a follow-up activity that are relevant to a core standard;

(b) features literal interaction of a student or teacher with an artist or scientist;

(c) focuses on a specific core standard; and

(d) shows continuous improvement guided by analysis of an evaluative tool.

(7) "Hands-on activity" means an activity that includes active involvement of a student with an artist or scientist, ideally with material provided by the organization.

(8) "Informal Science Education Enhancement program" or "iSEE program" means a program described in Section R277-444-7 for which a science organization may apply to receive money appropriated by the state.

(9) "Organization" means:

(a) a nonprofit corporation organized under:

(i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or

(ii) Section 501(c)(3), Internal Revenue Code; and

(b)(i) an arts organization; or

(ii) a science organization.

(10) "Procedural efficiency" means the organization delivers the educational

60 service ~~[without wasting money or other resources]~~at the lowest cost possible.

61 (11) "Professional excellence" means the organization:

62 (a) has been juried or reviewed, based on criteria for artistic or scientific
63 excellence, by a panel of recognized and qualified critics in the appropriate
64 discipline;

65 (b) has received a recognition of excellence through an award, a prize, a
66 grant, a commission, or an invitation to participate in a recognized series of
67 presentations in a well-known venue;

68 (c) includes a recognized and qualified professional in the appropriate
69 discipline who has created an artistic or scientific project or composition specifically
70 for the organization to present; or

71 (d) any combination of criteria described in Subsections (11)(a) through (c).

72 (12) "Professional outreach programs in the schools program" or "POPS
73 program" means a program described in Section R277-444-7 for which an arts
74 organization may apply to receive money appropriated by the state.

75 (13)(a) "Program" means the system through which the Board grants money
76 appropriated by the state to an organization to enable the organization to provide
77 its expertise and resources through an educational service in the teaching of a core
78 standard.

79 (b) "Program" includes:

80 (i) the Provisional program;

81 (ii) the POPS program;

82 (iii) the iSEE program;

83 (iv) the Science Enhancement program;

84 (v) the Integrated Student and New Facility Learning program; and

85 (vi) the Subsidy program.

86 (14) "Science organization" means a professional science organization that
87 provides a science-related educational service in the state.

88 **R277-444-3. Program Application.**

(1) If the state appropriates money for a program, an organization may apply to receive money from a program:

(a) on an application form provided by the Superintendent; and

(b) by May 30 of the fiscal year immediately prior to the fiscal year in which the organization is to receive the money.

(2) The application shall include:

(a) documentation that the organization is:

(i) a non-profit corporation that has existed at least three consecutive years prior to the date of the application;

(ii) an arts organization or a science organization that has attained professional excellence in the discipline; and

(iii) fiscally responsible;

(b) a description of the matching funds required by Subsection R277-444-4(3); and

(c) an educational service plan, which describes:

(i) the educational service that the organization will use the program money to provide; and

(ii) a plan to creatively and effectively provide the educational service.

(3)(a) The Superintendent shall evaluate an application with community representatives and make a recommendation on the application to the Board at the Board's August meeting.

(b) The Board shall approve or deny an application based on:

(i) whether the organization meets the requirements of this rule; and

(ii) how well the organization's educational service plan meets the purpose of this rule.

R277-444-4. Grant General Provisions and Disbursement.

(1)(a) The Superintendent shall make a recommendation to the Board at the Board's August meeting on the grant amount for an organization based on:

(i) the annual appropriation for a program;

118 (ii) the grant amount an organization received in a previous fiscal year, if any;
119 (iii) an organization's year-end report, if any; and
120 (iv) how well the organization's educational service plan meets the purpose
121 of this rule relative to the other organizations participating in the program.

122 (b) If the state reduces the amount of money appropriated for a program from
123 the previous fiscal year, the Board may use its discretion to allocate the money
124 among the organizations participating in the program.

125 (2)(a) The Superintendent shall notify an organization of the grant amount by
126 August 30.

127 (b) (i) The Superintendent shall disburse the money to an organization after
128 an organization submits a request for reimbursement on a form provided on the
129 USOE website.

130 (ii) An organization shall submit a reimbursement form on or before July 10
131 for an expense incurred by an organization through the implementation of an
132 educational service plan.

133 (3) An organization that receives money from a program shall have equal
134 matching money from another source to support its delivery of an educational
135 service.

136 (4)(a) Except as provided by Subsection (4)(b), an organization may not
137 charge the school, teacher, or student a fee for the educational service for which the
138 organization receives program money.

139 (b) An organization that receives money from the Subsidy program may
140 charge a fee for an educational service.

141 (5) A scientist, artist, or entity hired or sponsored by an organization to provide
142 an educational service shall comply with the procedures and requirements of this
143 rule.

144 **R277-444-5. Year-end Report - Evaluation – Accountability – Variations.**

145 (1) (a) An organization that receives money from a program shall submit a
146 year-end report to the Superintendent by July 10.

(b) The year-end report shall include:

(i) documentation of the organization's non-profit status;

(ii) a budget expenditure report and income source report using a form provided by the Superintendent, including a report and accounting of matching funds and a fee charged, if any, for an educational service;

(iii) a record of the dates and places of all educational services rendered, the number of hours of educational service per LEA, school, and classroom, as applicable, with the number of students and teachers served, including:

(A) documentation of the schools that have been offered an opportunity to receive an educational service over a three year period, to the extent possible and consistent with the organization's plan;

(B) documentation of collaboration with the Superintendent and the community in planning the educational service, including the content, a preparatory activity, and a follow-up activity that are relevant to a core standard;

(C) a brief description of the educational service provided through the program, and if requested, copies of any material developed; and

(D) a description of how the educational service contributed to a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard;

(iv) a summary of the organization's evaluation of:

(A) cost-effectiveness;

(B) procedural efficiency;

(C) collaborative practices;

(D) educational soundness; and

(E) professional excellence; and

(v) a description of the resultant goal or plan for continued evaluation and improvement.

(2) The Superintendent may visit an organization to evaluate the effectiveness and preparation of the organization:

(a) before the Board approves an application;

177 (b) before disbursing money; and
178 (c) during an educational service.
179 (3)(a) In addition to the year-end report required by Subsection (1), the
180 Superintendent may require an evaluation or an audit procedure from an
181 organization demonstrating use of money consistent with state law and this rule.
182 (b) If the Board finds that an organization did not use money received from
183 a program consistent with state law and this rule, the Board may:
184 ~~(i) require the organization to return the money;~~
185 ~~(i)~~ reduce or eliminate the grant to the organization in the current fiscal year;
186 ~~(i)~~ ii) deny an organization's participation in a program in a future fiscal year;
187 or
188 ~~(iii)~~ ~~(v)~~ impose any other consequence the Board deems necessary to ensure
189 the proper use of public funds.
190 (4)(a) An organization may not deviate from the approved educational service
191 plan for which the organization receives money unless:
192 (i) the organization submits a written request for variation to the
193 Superintendent;
194 (ii) the organization receives approval from the Superintendent for the
195 variation; and
196 (iii) the variation is consistent with state law and this rule.
197 (b) An organization shall describe the nature and justification for a variation
198 approved under Subsection (4)(a) in a year-end report.
199 (5) The Superintendent shall ensure that participating LEAs receive
200 educational services in a balanced and comprehensive manner over a three year
201 period.

202 **R277-444-6. Provisional Program Requirements.**

203 (1) Through the Provisional program, the Board may grant an organization
204 money to enable the organization to:
205 (a) further develop an educational service that is sound;

(b) increase the number of students or teachers who receive an educational service; or

(c) expand the geographical location in which the educational service is delivered.

(2) The Board may grant money from the Provisional program to an organization for one year.

(3) An organization may apply for a grant each year for up to five years if the organization demonstrates an increase in the educational service between the year-end report and the proposed educational service plan described in the application.

R277-444-7. POPS and iSEE Program Requirements.

(1)(a) Through the POPS program, the Board may grant money to an arts organization to provide an educational service state-wide.

(b) Through the iSEE program, the Board may grant money to a science organization to provide an educational service state-wide.

(c) A grant from the POPS program or iSEE program is on-going, subject to the review required by Subsection (4).

(2)(a) An arts organization may apply for the POPS program and a science organization may apply for the iSEE program if the organization:

(i) has successfully participated in the Provisional program for three consecutive years in which the state appropriates money to the Provisional program;

(ii) has educational staff and the capacity to deliver an educational service state-wide; and

(iii) demonstrates during participation in the Provisional program:

(A) the quality and improvement of an educational service; and

(B) fiscal responsibility.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the POPS program or the iSEE program to the Superintendent by October 1 of the calendar year immediately before the calendar

234 year in which the organization submits the application for the POPS program or the
235 iSEE program.

236 (3) An organization that receives money from the POPS program or iSEE
237 program may not receive money from the Provisional program or the Subsidy
238 program in the same fiscal year.

239 (4)(a) At least once every four years, the Superintendent shall review and
240 evaluate all organizations' participation in the POPS program and the iSEE program,
241 which may include:

242 (i) evaluation of an educational service plan, year-end report, reimbursement
243 form, or audit; and

244 (ii) attendance at an educational service or a site visit.

245 (b) The Superintendent shall:

246 (i) report to the Board the results of the review and evaluation; and

247 (ii) make a recommendation to the Board regarding an organization's
248 continued participation in the program based on how well the organization fulfills the
249 purpose of this rule.

250 **R277-444-8. Science Enhancement Program Requirements.**

251 (1)(a) Through the Science Enhancement program, the Board may grant
252 money to a science organization to provide a teacher with resources materials or
253 professional development related to a science core standard.

254 (b) A grant from the Science Enhancement program is on-going, subject to
255 the review required by Subsection (4).

256 (2) A science organization that participates in the iSEE program may apply
257 for the Science Enhancement program.

258 (3) The Board may approve an application to participate in the Science
259 Enhancement program if the science organization demonstrates a likely increase in:

260 (a) the number of teachers or students the organization serves; or

261 (b) the quality or quantity of the resource materials or professional
262 development the organization delivers.

(4)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the Science Enhancement program, which may include evaluation of the resource materials, professional development plan, year-end report, reimbursement form, or audit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Science Enhancement program based on how well the organization fulfills the purpose of this rule.

R277-444-9. Integrated Student and New Facility Learning Program Requirements.

(1) Through the Integrated Student and New Facility Learning program, the Board may grant money to a science organization to enable the science organization to provide an educational service integrated with the science organization's new or significantly re-designed capital facility.

(2) An science organization that participates in the iSEE program may apply for the Integrated Student and New Facility Learning program.

(3) The Board shall determine the length of the grant and how often the Superintendent shall review and evaluate an organization's continued participation in the program.

(4) The science organization may use the money to:

(a) develop an educational service integrated with the capital facility; and

(b) cover its costs associated with increasing the number of students who visit the capital facility.

(5) The Superintendent may not disburse money until the science organization completes the capital facility.

R277-444-10. Subsidy Program Requirements.

290 (1)(a) Through the Subsidy program, the Board may grant money to an
291 organization that provides a valuable education service but does not qualify for
292 participation in another program.

293 (b) A grant from the Subsidy program is on-going, subject to the review
294 required by Subsection (5).

295 (2)(a) An organization may apply to receive money through the Subsidy
296 program if the organization has successfully participated in the Provisional program
297 for three consecutive years in which the state appropriated money to the Provisional
298 program.

299 (b) An organization shall submit a letter of intent to transition from the
300 Provisional program to the Subsidy program to the Superintendent by October 1 of
301 the calendar year immediately before the calendar year in which the organization
302 submits the application for the Subsidy program.

303 (3)The Board may approve an application to participate in the Subsidy
304 program if the Board finds the organization:

305 (a) has successfully provided a valuable educational service during its
306 participation in the Provisional program; and

307 (b) does not meet the requirements to participate in the POPS program or
308 iSEE program because the organization:

309 (i) delivers an educational service regionally instead of state-wide; or

310 (ii) charges a fee for an educational service.

311 (4) An organization that receives money from the Subsidy program may not
312 receive money from the another program in the same fiscal year.

313 (5)(a) At least once every four years, the Superintendent shall review and
314 evaluate all organizations' participation in the Subsidy program, which may include:

315 (i) evaluation of an educational service plan, year-end report, reimbursement
316 form, or audit; and

317 (ii) attendance at an educational service or a site visit.

318 (b) The Superintendent shall:

319 (i) report to the Board the results of the review and evaluation; and

320 (ii) make a recommendation to the Board regarding an organization's
321 continued participation in the Subsidy program based on how well the organization
322 fulfills the purpose of this rule.

323 **KEY: arts, science, core standards**

324 **Date of Enactment or Last Substantive Amendment: [~~July 18, 2005~~]2015**

325 **Notice of Continuation: [~~September 24, 2010~~]2015**

326 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3),**
327 **53A-1-402**